

IN RE: PETITION FOR RESIDENTIAL VARIANCE BEFORE THE
W/S Wellington Road, 125' W of
Kenleight Road • DEPUTY ZONING COMMISSIONER
(914 Wellington Road) • OF BALTIMORE COUNTY
9th Election District • Case No. 91-456-A
4th Councilmanic District
John J. DiMenna, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1802.3.2.1 of the Baltimore County Zoning Regulations to permit a side yard setback of 5'9" in lieu of the minimum required 10 feet for a proposed kitchen addition in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted, said affidavits being marked Petitioner's Exhibit 5, provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17th day of July, 1991 that the Petition for Residential Variance, pursuant to Section 26-127 (b)(1) of the Baltimore County Code, and Section 1802.3.2.1 of the B.C.Z.R. to permit a side yard setback of 5'9" in lieu of the minimum required 10 feet for a proposed kitchen addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

July 17, 1991

Mr. & Mrs. John J. DiMenna
914 Wellington Road
Baltimore, Maryland 21212

RE: PETITION FOR RESIDENTIAL VARIANCE
N/S Wellington Road, 125' W of Kenleight Road
(914 Wellington Road)
9th Election District - 4th Councilmanic District
John J. DiMenna, et ux - Petitioners
Case No. 91-456-A

Dear Mr. & Mrs. DiMenna:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

File

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

91-456-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section _____

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason(s) (indicate hardship or practical difficulty):

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

Phone

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

Phone

ORDERED by the Zoning Commissioner of Baltimore County, this 17th day of July, 1991, that the subject matter of this petition be posted on the property on or before the 19th day of June, 1991.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED,

IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19____, at _____ o'clock, _____.

NOTARIAL SEAL OF BALTIMORE COUNTY
ALL
RECEIVED BY: SD DATE 6-9-91

ZONING COMMISSIONER OF BALTIMORE COUNTY

ORDER RECEIVED FOR FILING

Date

By

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE
91-456-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/so presently reside at _____
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Affiant (Handwritten Signature)
AFFIANT (Printed Name)



STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 17th day of June, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared _____

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in the form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

DATE

NOTARY PUBLIC

My Commission Expires:

ZONING DESCRIPTION

914 WELLINGTON ROAD

91-456-A

Beginning at a point on the north side of Wellington Road, which is 50'-0" wide at the distance of 125' westerly from the corner formed by the northside of Wellington Road and the west side of Kenleight Road, which is 50' wide. Being known as the eastern 14' of Lot 23 and all of Lots 24 and 25, Section 17, in the subdivision of Stoneleigh, shown on the revised plat of a part of Stoneleigh, as recorded in Baltimore County Plat Book 8, Folio 85 and located in the 9th Election District.

JJD/em/cor/stonelei

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd Date of Posting: 6/18/91
Posted for: Variance
Petitioner: John J. DiMenna, et ux
Location of property: W/S Wellington Rd., 125' W of Kenleight Rd.
914 Wellington Rd.
Location of Sign: Along Wellington Rd. Sign on property of DiMenna
Remarks: _____
Posted by: MPH Date of return: 6/19/91
Number of Signs: 1

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

PUBLIC HEARING FEES
110 ZONING VARIANCE FILING
100 POSTING SIGNS - ADVERTISING
TOTAL
LAST NAME OF OWNER: DIMENNA

04A0440011MCHRC
Please Make Checks Payable To: Baltimore
000002142PMD6-05-91 \$60.00

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

July 1, 1991

Mr. & Mrs. John J. DiMenna
714 Wellington Road
Baltimore, MD 21212

RE: Item No. 468, Case No. 91-456-A
Petitioner: John J. DiMenna, et ux
Petition for Residential Variance

Dear Mr. & Mrs. DiMenna:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204
887-3353

Your petition has been received and accepted for filing this
5th day of June, 1991.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:
James G. Hynes
Chairman,
Zoning Plans Advisory Committee

Petitioner: John J. DiMenna, et ux
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: June 26, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Robert C. Cooper, Item No. 470
John V. Dimenna, Item No. 468
Doris Lee Eller, Item No. 413
Beverly J. Donnelly, Item No. 473

In reference to the Petitioner's request, staff offers no
comments.

If there should be any further questions or if this office can
provide additional information, please contact Jeffrey Long in the
Office of Planning at 887-3211.

PK/JL/cmm
VARITEMS.JL/ZAC1

filed 6/27/91

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: June 25, 1991

TO: Mr. J. Robert Haines
Zoning Commissioner

FROM: Rahee J. Famill

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: June 18, 1991

This office has no comments for items number 468, 470, 472 and 473.

Rahee J. Famill
Rahee J. Famill
Traffic Engineer II

RJF/lvd

Baltimore County Government
Fire Department
700 East Joppa Road, Suite 901
Towson, MD 21204-5500
(301) 887-4500

JUNE 18, 1991

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: JOHN J. DIMENNA
Location: #914 WELLINGTON ROAD
Item No.: 468
Zoning Agenda: JUNE 18, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by
this Bureau and the comments below are applicable and required to be
corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

VIEWER: *Jeffrey Long* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/REF

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee
DATE: June 19, 1991

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for June 18, 1991

The Developers Engineering Division has reviewed
the subject zoning items and we have no comments for
Items 468, 470, 473 and 475.

For Items 458 and 460 the previous County Review Group
comments still apply.

For Item 379 (#91 405-SPH), the site must be submitted
through the minor subdivision process for review and
comments.

For Item 472, as of this date, the proposed 8-inch
sanitary sewer has not gone to contract.

Robert W. Bowling
Robert W. Bowling, P.E., Chief
Developers Engineering Division

RWB:s

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, MD 21204
June 13, 1991
887-3353

Mr. & Mrs. John J. Dimenna
914 Wellington Road
Baltimore, Maryland 21212

COPY

Re: CASE NUMBER: 91-456-A
LOCATION: N/S Wellington Road, 125' W of corner of
N/S Wellington Road and N/S Kenilworth Road
914 Wellington Road

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case
number. Any contact made to this office should reference the case number. This letter also serves as a
refresher regarding the administrative process.

1) Your property will be posted on or before June 19, 1991. The last date (closing date) on which a
neighbor may file a formal request for hearing is July 5, 1991. Should such request be filed, you will
receive notification that the matter will not be handled through the administrative process. This will mean
advertising of the public hearing and reporting of the property. The public hearing will be scheduled
approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you
will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed
from the property and returned to this office. Failure to return the sign and post will cause your Order to be
held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the
day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of
the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He
also has the option to request a public hearing.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE
PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND
THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE
FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR
DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,
15/
G. G. Stephens
(301) 887-3391



468

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 914 WELLINGTON ROAD

Subdivision name: STANLEY

plat books: 8, 10, 11, 12, 13, 14, 15, 16, 17

OWNER: JOHN + GERRY DIMENNA

CYPRUS
TODD PELLEGRIN
2021 / 2022
LOT 30, 31, 32, 1709

91-456-A

Petitioner's Exhibit #1

LOCATION INFORMATION

Counsellman District: 4

Election District: 9

1"=200' scale map: NEB-A

Zoning: DR S.S

Lot size: 1.16 acreage 7,050 square feet

SEWER: ☒ WATER: ☒ GAS: ☒

Chesapeake Bay Critical Area: ☐

Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

DATE: 3/21/11

PREPARED BY: J.L.S.

SCALE: 1"=20'-0"

469

CASE NUMBER **91-456-A**

PETITIONER'S EXHIBIT # 5

For Item 468

WE HAVE BEEN INFORMED THAT A ZONING VARIANCE IS BEING REQUESTED FOR 914 WELLINGTON ROAD TO REDUCE THE SIDE YARD SETBACK FOR THE CONSTRUCTION OF A BREAKFAST NOOK ADDITION. THE UNDERSIGNED SUPPORT MR. DIMENNA IN THIS VARIANCE REQUEST.

WE HAVE BEEN INFORMED THAT A ZONING VARIANCE IS BEING REQUESTED FOR 914 WELLINGTON ROAD TO REDUCE THE SIDE YARD SETBACK FOR THE CONSTRUCTION OF A BREAKFAST NOOK ADDITION. THE UNDERSIGNED SUPPORT MR. DIMENNA IN THIS VARIANCE REQUEST.

Sketch of a house with a breakfast nook addition.

SIDE VIEW - CLOUP UP
914 WELLINGTON ROAD

Item # 468

470

CASE NUMBER **91-456-A**

PETITIONER'S EXHIBIT # 5

For Item 468

WE HAVE BEEN INFORMED THAT A ZONING VARIANCE IS BEING REQUESTED FOR 914 WELLINGTON ROAD TO REDUCE THE SIDE YARD SETBACK FOR THE CONSTRUCTION OF A BREAKFAST NOOK ADDITION. THE UNDERSIGNED SUPPORT MR. DIMENNA IN THIS VARIANCE REQUEST.

WE HAVE BEEN INFORMED THAT A ZONING VARIANCE IS BEING REQUESTED FOR 914 WELLINGTON ROAD TO REDUCE THE SIDE YARD SETBACK FOR THE CONSTRUCTION OF A BREAKFAST NOOK ADDITION. THE UNDERSIGNED SUPPORT MR. DIMENNA IN THIS VARIANCE REQUEST.

471

CASE NUMBER **91-456-A**

PETITIONER'S EXHIBIT # 5

Photograph of a house.

Photograph of a house.

